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ODYSSEY THERA, INC.

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

VALLEY FORGE INSURANCE COMPANY
and CONTINENTAL CASUALTY COMPANY,

Plaintiffs,

vs.

ODYSSEY THERA, INC.,

Defendant.

ODYSSEY THERA, INC.,

Counter/Cross Claimant,

vs.

VALLEY FORGE INSURANCE COMPANY,
CONTINENTAL CASUALTY COMPANY and
SCOTTSDALE INSURANCE COMPANY,

Counter/Cross Defendants.

Civil Action No. C-12-00227-JSW

**STIPULATION AND ~~PROPOSED~~
ORDER OF DISMISSAL**

(Assigned to the Honorable Jeffrey S.
White)

TO THE COURT CLERK, ALL PARTIES AND THEIR COUNSEL:

IT IS HEREBY STIPULATED by and between defendant/cross-claimant Odyssey Thera, Inc. (“Odyssey”) and cross-defendant Scottsdale Insurance Company (“Scottsdale”), through their undersigned counsel, that all claims asserted by Odyssey against Scottsdale in this action should be dismissed with prejudice.

Previously, in July 2012, all claims asserted by or against plaintiffs Valley Forge Insurance Company and Continental Casualty Company in this action were dismissed with prejudice. With the dismissal of claims asserted by Odyssey against Scottsdale, there will be no claims, counter-claims, or cross-claims remaining in this action. Accordingly, Odyssey and Scottsdale further stipulate that this action should be dismissed with prejudice.

This Stipulation is made pursuant to the parties’ Settlement Agreement. Each of the parties is to bear its own costs and attorney fees in the instant action.

DATED: November 28, 2012

JONES DAY

/s/ Raymond Sheen

RAYMOND SHEEN

Attorneys for Defendant and Counter/Cross-Claimant
ODYSSEY THERA, INC.

DATED: November 28, 2012

BOUNDAS, SKARZYNSKI, WALSH & BLACK, LLC

/s/ Alexis J. Rogoski

ALEXIS J. ROGOSKI

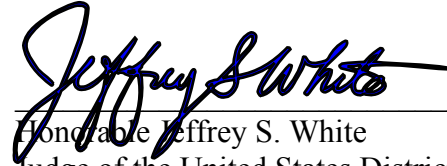
Attorneys for Cross-Defendant
SCOTTSDALE INSURANCE COMPANY

[PROPOSED] ORDER

Upon stipulation of the parties, IT IS HEREBY ORDERED that this action shall be
DISMISSED WITH PREJUDICE.

IT IS SO ORDERED.

Dated: December 3, 2012


Honorable Jeffrey S. White
Judge of the United States District Court for the
Northern District of California

SFI-778450v2